

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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CIVIL MINUTES - GENERAL

Case No.	CV 11-1814 (CAS) (PJWx)	Date	October 16, 2012
Title	FRANCISKA SUSILO V. WELLS FARGO BANK, N.A., ET AL.		

Present: The Honorable	CHRISTINA A. SNYDER	
Catherine Jeang	Not Present	N/A
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants	
Not Present	Not Present	

Proceedings: **(In Chambers:)** DEFENDANT ETS SERVICES LLC'S
MOTION TO CONTINUE TRIAL FROM DECEMBER 4, 2012
TO FEBRUARY 12, 2013 (Docket # 121, filed September 11,
2012)

DEFENDANTS WACHOVIA MORTGAGE FSB AND WELLS
FARGO BANK N.A.'S MOTION FOR JOIN IN MOTION TO
CONTINUE TRIAL FROM DECEMBER 4, 2012 TO
FEBRUARY 12, 2013 (Docket #122, filed September 12, 2012)

The Court finds this motion appropriate for decision without oral argument. Fed. R. Civ. P. 78; Local Rule 7-15. Accordingly, the hearing date of October 22, 2012 is vacated, and the matter is hereby taken under submission.

I. INTRODUCTION

On September 11, 2012, defendant ETS Services LLC ("ETS") filed a motion to continue the trial date for seventy days. On September 12, 2012, defendants Wachovia Mortgage FSB ("Wachovia") and Wells Fargo Bank N.A. ("Wells Fargo") joined in ETS' motion. Plaintiff filed an opposition on October 3, 2012, and ETS replied on October 5, 2012. After considering the parties' arguments, the Court finds and concludes as follows.

II. DISCUSSION

ETS filed for protection under the bankruptcy laws in May 2012, and consequently the proceedings have been stayed as to ETS. Pursuant to an August 20, 2012 order of the

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Bankruptcy Court, ETS must produce certain ETS employees as witnesses for the trial in this matter scheduled to begin December 4, 2012. Despite the fact that ETS is not a party to the trial, ETS requests continuance of the trial date because “significant actions” are required by ETS in December 2012 in connection with its bankruptcy, and consequently it is unable to “address the demands of preparing witnesses for trial in this action.” Mot. at 3; Tsoong Decl. ¶ 7.

In response, plaintiff does not oppose continuing the trial date. Plaintiff does request in its opposition, however, additional time to depose and conduct fact discovery on any ETS witnesses who testify at trial.

The Court finds that good cause does not exist to continue the trial date. ETS does not point to any specific event that would bar the witnesses from appearing at trial, and since the proceedings in this case have been stayed as to ETS, Dkt. # 85, it need not appear as a defendant at trial. Hence, there is no need to prepare witnesses. Consequently, ETS’ motion is denied.¹

III. CONCLUSION

In accordance with the foregoing, defendants’ motions to continue the trial date are DENIED.

IT IS SO ORDERED.

Initials of Preparer

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¹ Plaintiff had the opportunity to conduct discovery as to ETS prior to its bankruptcy, and an opportunity to move for relief from the automatic bankruptcy stay to pursue discovery of these witnesses, and accordingly plaintiff’s request provides no grounds on which to continue the trial date.